IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15519 of 2007(V)

PETITIONER:

PANKAJAKSHAN K.K., AGED 41 YEARS,
S/O.LATE K.A.KOCHUKUNJU, KATTATHIPARAYIL,
MALLASSERY (P.O), PATHANAMTHITTA, WORKING AS
DRIVER (CLR) IN THE OFFICE OF THE EXECUTIVE
ENGINEER, P.W.D. BUILDINGS DIVISION,
PATHANAMTHITTA.

BY ADV. SRI.S.SHANAVAS KHAN.

RESPONDENTS:
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1. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
   PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA,
   THIRUVANANTHAPURAM.

2. **THE CHIEF ENGINEER, P.W.D. BUILDINGS**
   DIVISION, THIRUVANANTHAPURAM.

3. **THE EXECUTIVE ENGINEER,**
   P.W.D. BUILDINGS DIVISION,
   PATHANAMTHITTA.

4. **THE ASSISTANT EXECUTIVE ENGINEER,**
   P.W.D. BUILDINGS DIVISION,
   PATHANAMTHITTA.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.15519 OF 2007-V

Judgment

The petitioner is a Driver, engaged on daily wage basis. He claims, he has been working since December 1998. Initially, he was paid daily wage @ Rs.70/-, which was later enhanced to Rs.140/- and still later, to Rs.170/-. He claims regularisation in service. Seeking this relief, he has preferred Ext.P3 representation befroe the 2nd respondent. The petitioner points out that some daily wage Drivers in the District Rural Development Agencies have been regularised by the Government by Ext.P2. He prays for similar treatment. When Ext.P3 is pending, the petitioner is confronted with the possibility of being terminated from service, in view of Ext.P4 circular issued by the Chief Engineer, directing termination of daily wage hands.

2. The petitioner has got no legal right to claim regularisation in service. If the contention raised by him, relying on Ext.P2 is accepted, every daily wage employee attached to various Government offices will have to be regularised. Since the beneficiaries of Ext.P2 are not before me, I am not making any comments on the said order. But, the petitioner cannot claim regularisation, based on that order. So, the prayer in the Writ Petition to direct the 2nd respondent to consider Ext.P3 cannot be granted, as the petitioner is not entitled to get the relief sought in that representation. This Court can issue a writ of mandamus, if only the petitioner is having a legal right and the 2nd respondent is having a corresponding duty in this regard. I find nothing illegal if the daily wage employees are

terminated from service. But, it is ordered that the petitioner shall not be substituted by a fresh daily wage employee. Only persons sponsored through Employment Exchange shall be appointed in his place. If the services of a daily wage Driver is required in future, the petitioner shall be preferred to fresh hands. Subject to the above observations, the Writ Petition is dismissed.

24.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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